THE MINUTES OF THE ACADEMIC SENATE (AS-4)

CALIFORNIA STATE UNIVERSITY, FRESNO

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Office of the Academic Senate

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October 2, 2023

Members excused:

Members absent: H. Dong, M. Hernandez, R. Klepper, A. Panagopoulos, R. Sias, K. Smith, S. Tayeb, B. Taylor, B. Yang

In-person attendance: 23 Zoom attendance: 24

The Academic Senate was called to order by **Chair Hall** at 4:01 p.m. in Library room 2206 and via Zoom video conferencing.

1. Approval of the Agenda.

*Motion to approve agenda*

*Second*

*Vote to approve agenda: approved*

1. Approval of the Minutes 9/25/23.

**Senator Mulhern**: On page 2, the President was discussing two VP positions.

*Motion to approve amended minutes*

*Second*

*Vote to approve amended minutes: approved*

1. Communications and Announcements.

Communications from President Saúl Jiménez-Sandoval:

The president shared presentation slides with updates on activities.

*Questions for President:*

**Senator Kensinger**: I would like to communicate concerns with the handling of the bomb threat on campus. I am very concerned that there has not been a clear and unequivocal statement from administration that you do not tolerate violence or threats in any way shape or form as any response to anything any faculty does in this administration. There are proper channels if students have a complaint, but to act like there is going to be an investigation of the faculty and not the student, is a real problem. I do not need to calm down, because this is a real serious issue for faculty. We need to know that our administration will back us in the face of this kind of violence.

**President**: I have respect for you. I do hear you. I was not in town, I was in DC. My team acted appropriately in what they did. We are responding in a concerted manner in two areas. One, the pronoun use in our classrooms, it is respectful to celebrate our diversity. However, we need to pare this down into two areas. We cannot force students to disclose pronouns. Either for students who do not agree, or our trans students who do not want to come out and they are forced to use a pronoun that doesn't agree with them. The other part is abhorrent, and I agree with you that we should have made a statement about the bomb threat. My family was threatened, my family had to vacate the house. They had to take the sniffing dogs to my house. You speak of faculty, I am in the line of fire. I'd like to get a little bit of credit for that. I agree with you that there should have been a statement.

**Senator Miele**: I want to follow up on the same line of communication. We need to have as a campus a better response when faculty are being attacked by trolls online. With racial attacks and threats of violence against their person. I think it’s important if we want to be agents of change in our community, if we want to stand for justice, equity, diversity, and inclusion, and if we want to do workshops and make true change. A lot of people are going to be provoked by that and we need to know our campus has our support. We say we’re the flagship of the valley and these are the things we are doing, but if you do that and someone doesn’t agree, you’re on your own.

**President**: Apologize if my team did not address your concerns. From now on, we will have stronger communication with what the team is doing and what is being orchestrated at the school and how this is being conveyed to the chair and faculty. I told my team that we needed to have gone to the faculty and say this is where we are and this is where we're going. The chain of communication needs to be strengthened. However, we did the best we could do. My team spent the entire afternoon trying to work out the events.

**Senator Miele**: I understand there was a time of emergency. But the assignment in this case was relevant to the attacks that were made, the concerns were not about the harm to the student. We fed the trolls because of how we responded and the press. We need to have deeper conversations.

**President**: Two issues. How do we require our students in class in an assignment to use their pronouns. The other part of it is for what do we stand here, and what does a professor mean to me and to the entire community. How do we say that we stand by our professors and diversity and the celebration of pronouns. They do feed off of each other, but they are separate. The communication should have said we celebrate pronouns and diversity, we fully stand by our professor and what this professor is doing. We will revise moving forward because we cannot force students to disclose pronouns as part of their grade, that is protected by FERPA.

**Senator Bryant**: Was it confirmed that that was actually the assignment?

**President**: Yes.

**Senator Bryant**: Maybe the assignment doesn’t need to be addressed at all. Maybe we should have addressed the threats, and there are proper channels for that student to deal with the assignment that they disagree with. I don’t think we need to apologize for the assignment, just say this won’t be tolerated. Second, I understand you are a man in a position of power over me.

**President**: I’m not sure about that.

**Senator Bryant**: My perception is that you are a man in a position of power over me and Senator Kensinger. For many years as you know, women have been silenced and told that they are hysterical and their voices get shaky and get loud--

**President**: I’ve been silenced many times.

**Senator Bryant**: President, may I finish?

**President**: At the same time I need to come to a point where we can talk.

**Senator Bryant**: So in the middle of my sentence you interrupted with the beginning of your sentence.

**President**: I apologize.

**Senator Byrant**: When you told Senator Kensinger to calm down last week, the equivalent of that for women in the room, and some men have spoken to me as well, thought that was again quiet down, hysterical women. Telling women to be calm and to smile. I understand that might be an uncomfortable accusation to make, but I think it’s important that we call those things out because women often get dismissed when they’re talking to men in power.

**President**: As somebody who was not born in this country, I grew up in a family where we speak to each other, we did not yell at each other and that’s where I’m coming from. So when somebody is using a tone that is higher than normal in conversation, it’s offensive. It harms my sensibilities.

**Senator Bryant**: You’re talking about cultural differences, and so not everybody grew up in the same household and has the same communication structure.

**President**: All of us here follow decorum, I am not yelling at me, you do not yell at me, I do not raise my voice at you, you do not do the same to me. That’s all I’m asking. I lost a lot of sleep after that. I am a person after all. I know I have a position of power and have a title at the end of the day, but I do go home and have a family.

**Senator Wise**: Curious with Libs of TikTok incident and given what you’ve acknowledged with how the messages went out, I was in class when the students got their message, I didn’t get mine until a few minutes later. Will we have a crisis communication plan that specifically addresses these scenarios?

**President**: We do have it

**Senator Wise**: Was that plan followed?

**President**: It was, but we need to strengthen the communication coming from us

**Senator Wise**: So the possibility that we are reevaluating that plan?

**President**: Yes.

1. New Business

*None*

1. APM 301 – Policy and Procedures on the Appointment of Tenure-Track Faculty including the Award of Service Credit. Second Reading.

*Discussion on amendment to Section XI.5 of APM 301:*

**Senator Lent**: It gives additional oversight to the chair but also has them put in documentation for internal candidates. I proposed that chairs should not be involved in overseeing themselves if they are on the committee. Anybody in the department who has access to personnel files can add documentation for internal applicants.

**Senator Kensinger**: Point of clarification. First, I commend Personnel for their quick and thorough response. Personnel, did you take this amendment into account when you made the changes to XI.5? Or did you write it as if the amendment does not get approved?

**D. Low**: That was added so that department chair would not be conferring with themselves.

**Senator Kensinger**: Did you think of that regardless of if this passes?

**D. Low**: I saw it as a response to amendment, so if amendment does not pass then changes would not be necessary.

**Chair Hall**: We are going to accept D. Low’s edits as friendly.

**Senator Holyoke**: Why would consultation be with the AVP of Faculty Affairs rather than college dean?

**D. Low**: Having worked with other 300 level policies, it seems like most times that there is a procedural dilemma, that has been the chain of order.

*Vote on motion to amend Section IX.5 of APM 301: approved*

*Motion to amend Section VII.1 of APM 301*

*Second*

*Discussion on motion to amend Section VII.1 of APM 301:*

**Senator Ram**: I looked at this more closely because I found parts that were confusing, so I looked up the source and found it was from a secondary source. So I thought this wasn’t the best source. Since this is supposed to be based on CFA rules, I took CFA information and added any categories that were missing.

**Senator Ram**: Thank you to D. Low for all of your work. I saw how you responded to all what was said on the Senate floor last year. Also proposed changing the footnote to indicate where the language came from. It should be standard practice to cite the source.

**Senator Kensinger**: I want to commend my colleague for being so thorough and reading documents.

**Senator Peterson**: I’m not understanding the first line where it says to prohibit discrimination of age 40 and over, that seems like it’s discriminating if it’s declaring an age. Second, if we’re listing everything that we’re prohibiting and adding things in parentheses, it hints that we’re excluding anything else. Once you start adding additional things in there, it now has that idea that you only mean those things.

**AVP Schmidtke**: The reason 40 and over is in there is because it’s the law.

**Senator Ram**: If you look at the document on the protected characteristics from California law, it says those things. I don't mind just using CFA language, but California law is broader and gives more specifics. It does have different ways of listing things than CFA, but I think I made it as close as possible to actual law in order to combine both documents.

**Senator Mulhern**: Two questions. I think I like this amendment and I appreciate the clarity with CSU and state law. I just wonder in the original document that we’re clarifying if section 1is primarily about CSU and California employment law or is this just the floor and we’re making other policy above the floor. If so, would we be letting go of that, do we know that we’re doing that, and is that what we want to do. Second question, is it important to the room about the last sentence, about University not tolerating discrimination because strictly speaking we do. But should we change it to “shall” not? What purpose do we want that to serve?

**Chair Hall:** We have to take the first thought, because the second question would be an amendment. First thought I’d have to leave to Senator Ram or chair of Personnel to address or process your question, or are you just expressing a concern.

**Senator Mulhern**: It’s a question and concern, if I'm reading the original document, it wasn’t only concerned with law.

**Senator Ram**: I don't know if I can address that. When I read it initially and I read the statement from the Personnel Committee, it indicated that we would be following the law.

*Vote on motion to amend Section VII.1: approved*

*Motion to amend Section IX.D.4*

*Second*

*Discussion on motion to amend Section IX.D.4:*

**Senator Stillmaker**: This is better suited for inclusivity and fighting negative views of lecturers by requiring an interview.

*Kimberly Stillmaker recognized by Aaron Stillmaker*

**K. Stillmaker**: I have been doing research on this area and currently working on an NSF Advance partnership with three other CSUs. Current focus is to create systematic changes in our policies and practices that would allow for increase in representation of minority women in engineering. While that is specific, a lot of what we’re finding would positively benefit the campus overall. We are dealing with departments with 0 women at all in tenure-track positions. We have found that women are higher represented in lecturer positions. There tends to be bias against lecturers and there are assumptions about why they aren’t currently in a tenure-track position, the assumption being that they weren’t qualified for a tenure-track position. But as we know there are other issues like two-body problem or not being ready at a point in their life to start a tenure-track position. Lecturers do not have funding or time for research, the circumstances don’t prepare them to do research. Therefore when they go to apply, the presumption is that they won't be able to transition to research. The CBA is pushing our hand by saying that we should interview them, but a “should” statement is not grievable, is not a right. So I’m asking you to consider raising our standard by making “should” a “must”. For the hard work that they are doing in the CSU, recognize that they deserve a first round interview to articulate their skills so they don’t get written off.

**Senator Lent**: I think this a good idea, but CBA always trumps APM. So we can’t really put language in contrast to CBA. It might be nice to appear there, but CBA takes priority. We shouldn’t have conflict with CBA because that will create more problems for us.

**Senator Kensinger**: This is only applying to telephone interviews, I might support one part and not another. Am I correct that it’s in CBA that you meet the minimum requirements, because searches have preferences and what gets you to phone interview isn’t just minimum requirements, it is also preferences. If that language is in the CBA, then I understand why they limited it to the departments, not system wide. Because then I have a background knowledge of people I’m about to interview that I don’t have if we go system-wide.

**Senator Bryant**: Question to AVP Schmidtke, we have to meet the minimums of CBA, but can’t we extend beyond? We can offer more rights but not fewer rights.

**AVP Schmidtke**: It’s not inconsistent, using “must” wouldn’t be a problem. We would want to consult the CFA, but I’m sure they wouldn’t have a problem with this.

**Senator Pitts**: Find that proposal is trying to diversify which is consistent with university mission, but we often cherry pick ways to diversify. We should find ways to move towards diversity, not tear it down. If we can add this language in here now, then that can lead to changes to CBA later. We have to start somewhere.

**Senator Holyoke**: The proposer of the amendment indicated that the interview refers to the phone interview. We should clarify that.

*Noted that the section is regarding phone interview.*

**Senator Kensinger**: I’d like to separate the amendment into two questions. One is to vote on dropping the “on their campus” language, and the second would be to vote on “must” instead of “shall”.

**Senator Holyoke**: There is a motion, and it needs to be seconded.

*Motion to separate amendment to Section IX.D.4 of APM 301*

*Second*

**Senator Ram**: Removal of “pursuant to CBA” Is part of first amendment?

**Senator Kensinger**: Yes

*Vote on motion to separate amendment to Section IX.D.4 of APM 301: approved*

**Senator Chowdhury**: If we remove “on their campus” we could have an infinite number of applications from lecturers at other campuses and the search committee just can't deal with that. That’s not practical.

**Chair Hall**: Was the intention to open this to faculty at all CSU faculty?

**Senator Stillmaker**: Yes it was.

**Senator Chowdhury**: When you’re on a search committee and you get 100 applications, the chances of interviewing everybody who meets minimum requirements is almost 0. You interview the few who go over and above.

**Senator Vega**: The last part says the committee can provide justification, so if they have justification to not interview faculty from other campuses, it is okay.

**Senator Kensinger**: I’d like to speak against the first part because it is a huge burden on search committees.

**Senator Lent**: In my department, we follow the spirit of this new statement in CBA. We interview all CSU employees and it is not a burden at all.

**Senator Holyoke**: One thing that concerns me about 23 campuses and only 14 phone interview slots, there could be so many lecturers across CSU that they would fill all of the slots. I agree with Senator Kensinger and am opposing this section.

**Senator Mehta**: Want to go back to point that departments have underrepresentation of women, this allows those people across the CSU to interview. The last sentence does give justification out of it. We can always justify a cutoff rather than closing the door completely.

**Senator Kensinger**: That depends on if we put the “must” in.

**Senator Ram**: I am speaking against the amendment that would remove “on their campus” because I have the same concern as Senator Holyoke. It isn’t clear in language how many interviews we can have. In some cases it might increase diversity, in other cases it might decrease diversity. In some departments, lecturers are not diverse. There are plenty of white male lecturers, and if we are interviewing only the ones who meet minimum requirements, we are not getting people who meet our preferences who may actually be more diverse.

**Senator Stillmaker**: K. Stillmaker found in her research that the temporary faculty pool was much more diverse in CSU engineering. I speak in favor of removing “on their campus” because anecdotally we’ve had issues where we had 1-2 denied an interview because of perception of the lecturer being less than.

**Senator Chowdhury**: Still concerned about knocking out more qualified candidates from the general applicant pool because you can only interview so many people in a given amount of time. Would prefer to choose candidates based on merits.

**Senator Bryant**: Similar concern to Senator Chowdhury. Is there going to be a limit? Because what if you have 10 slots and 9 temporary faculty apply? For some searches that may sound like it couldn’t happen, but for our department it could.

**Senator Banh**: Some smaller departments are overwhelmingly lecturers, if it said “must” they’d fill up all the slots.

*Kimberly Stillmaker recognized by Senator Holyoke*

**K. Stillmaker**: The data that we have from the engineering college, in the course of 3-4 searches we only had 7 lecturers from CSUs apply, so that provided the context when we were writing this. I do hear the context of other departments, so I didn’t want to revise the wording too much, but I do wonder if there can be a cap on this. Because what we’re seeing is lecturers not being interviewed because of biases. Is there a way that “must up until a certain number…”

**Senator Pitts**: This amendment seems to be born in good faith of promoting diversity, and we’re tearing it down over workload. I believe we can implement language to say we must interview a particular number of lecturers.

**Senator Mulhern**: Speak against deletion of phrase “on their campus” for slightly different reasons. It is not clear to me that this part of the language...I’m worried about perverse incentives. We would experience opposite flows in my department. But the “ON their campus” bit is about equity aimed at people who already serve the campus. I think that’s what this aspect of CBA was trying to hit. If we open it up to CSU, this would harm the equity focus of this language.

*The Academic Senate adjourned at 5:15p.m.*

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The next meeting of the Academic Senate will be October 9, 2023.

Submitted by Approved by

Amber Crowell Ray Hall

Vice Chair Chair

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